

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

**ORDER REGARDING
REQUESTS TO
FILE MOTIONS**

GOOGLE INC.,

Defendant.

At the case management conference on October 19, 2011, each party was invited to submit one précis request describing a proposed motion. The parties have done so and have responded to one another's requests (Dkt. Nos. 562, 566, 567, 582). Having read all submissions, both précis requests are **DENIED** except as stated in the next paragraph. The issues raised therein are best left until after the judge has heard the evidence at trial. The judge will understand the complications of the issues much better after the detailed trial evidence is laid out and cross examined. It would be hard for the judge to master the material with the same grasp via a cold written record. Moreover, the caseload and trial calendar of the Court do not allow time for going through the witnesses twice. After the judge and jury hear the evidence, the judge then will give proper law instructions and will rule on questions the court of appeals has designated as solely for the judge. Counsel may wish to know as much as possible in advance of trial as to how the rulings will develop, but counsel have no right to insist on such advance rulings.

1 By **NOON ON NOVEMBER 4, 2011**, Google Inc. may submit a more developed précis
2 limited to fifteen pages (double-spaced, twelve-point Times New Roman font, with no footnotes
3 and no attachments) that more fully develops its request for an advance determination regarding
4 the 37 API specifications and the issue of their selection, arrangement, and structure. Please use
5 at least two APIs as examples so that the proposal will be concrete and not abstract. Please stick
6 to this question and do not veer off into side or alternative issues. By **NOON ON NOVEMBER 9**,
7 Oracle America, Inc., may respond with up to fifteen pages. Please, no declarations or exhibits.
8 The fifteen pages should quote whatever is worth citing.

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10 **IT IS SO ORDERED.**

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12 Dated: October 31, 2011.


13 WILLIAM ALSUP
14 UNITED STATES DISTRICT JUDGE
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